

Appl. No. : 10/611,306
Filed : July 1, 2003

REMARKS

In the Office Action, the Examiner indicated that the title of the application as filed is not sufficiently descriptive of the invention. The Examiner indicates that a new title is required that refers at least to the principal inventive concept of the claimed invention. The Applicant thanks the Examiner for noting this and hereby amends the title of the subject application to read, "FLUID PUMP WITH A TUBULAR DRIVER BODY CAPABLE OF SELECTIVE AXIAL EXPANSION AND CONTRACTION".

The Examiner also indicates that formal drawings will be required upon allowance of the application. The Applicant thanks the Examiner for the reminder and will provide satisfactory formal drawings upon allowance of the subject application.

The Examiner also indicates that claims 5-7, 28, and 29 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. The Examiner however has rejected claims 1-4, 8-13, 15-27, and 30-36 under 35 U.S.C. § 103(a) as being unpatentable over Noda (U.S. Patent No. 6, 527,521) in view of Morita et al. (Non-Patent Literature Article 0885-3010, "A Cylindrical Micro Ultrasonic Motor Using PZT Thin Film Deposited by Single Process Hydrothermal Method", IEEE Transactions on Ultrasonics, Ferroelectronics, and Frequency Control). The Examiner has also rejected claim 14 as being obvious over Noda in view of Morita and U.S. Patent No. 5,947,892 in further view of Benkowski et al. The Examiner is of the view that it would have been obvious to modify the Noda device with the ultrasonic motor as taught by Morita. The motivation to modify, the Examiner alleges, lies in the disclosed advantages of the Morita motor, and the fact that it was well known that motors can be used to drive a rotary non-expansible chamber pumps. The Applicant respectfully disagrees.

The Applicants believe that it would not have been obvious to combine Noda and Morita to arrive at the claimed fluid pump because the prior art teaches away from such a combination for use as a blood pump. Specifically, Noda discusses that a problem in the prior art blood pumps is that there are small gaps within the pump (for instance, see Column 1, lines 34-44) and an advantage of the Noda device is that the lack of gaps within the pump makes the pump suitable for use as a blood pump (see Abstract). If the Noda device were modified according to Morita, the stator transducer and the rotor would have to be wholly enclosed inside the pipe, and

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there will be gaps within the pump, which would be undesirable according to Noda. Thus, there would be no motivation to a person of ordinary skill that he should modify Noda according to Morita. In fact, the skilled person would be motivated not to combine these references to avoid the gap problems. Therefore, it is submitted that the claims of record are not obvious and are allowable over the prior art of record.

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SUMMARY

From the foregoing, the Applicant believes that the subject application is in a condition ready for allowance. The Applicant believes that this paper fully addresses the objections and rejections made by the Examiner in the office action and that the subject application is in a condition ready for allowance. The Applicant respectfully requests prompt issuance of a notice of allowability. However, should there remain any further impediments to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

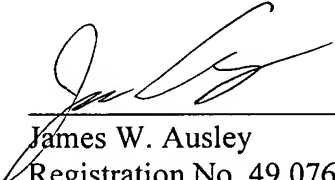
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 28, 2005

By: _____


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AMEND

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